

14-6. Inspections, Sampling, Information Gathering, Subpoenas, and Entry for Response (1200 TN 350)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, including Sections 104, 109 and 122:
 - a. To enter any vessel, facility, establishment, place, property or location for the purposes of inspections, sampling, information gathering and response actions.
 - b. To require the production of information and documents.
 - c. To issue subpoenas.
 - d. To issue compliance orders for production of information and documents.
 - e. To issue compliance orders for entry and inspection.
 - f. To obtain and execute warrants to support this authority.
 - g. To carry out any inspections, sampling and information gathering authorized by the CERCLA.
 - h. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, and 1.g.
2. **TO WHOM DELEGATED.**
 - a. The authorities in 1.a., 1.b. and 1.g. are delegated to the director, Hazardous Site Cleanup Division (HSCD); associate director, Office of Preparedness and Response; associate director, Office of Superfund Site Remediation; associate director, Office of Enforcement; associate director, Office of Federal Facility Remediation and Site Assessment; associate director, Office of Brownfields and Outreach, chief, Brownfields and Revitalization Branch; chief, Eastern Response Branch; chief, Western Response Branch; chief, Preparedness and Support Branch; chief, Oil and Prevention Branch; chief, Cost Recovery Branch; chief, Eastern PA Remedial Branch; chief, Western PA/MD Remedial Branch, DE, VA, WV Remedial Branch, chief, Site Assessment and Non-NPL Federal Facilities Branch, chief, NPL/BRAC Federal Facilities Branch, HSCD; director, Land and Chemicals Division (LCD); associate director, Office of RCRA Programs; chief, Underground Storage Tanks Branch; chief, RCRA Waste Branch; associate director, Office of Pennsylvania Remediation; associate director, Office of Remediation; associate director, Office of Toxics and Pesticides; chief, Pesticides and Asbestos Programs Branch; and chief, Toxics Programs Branch; director, Office of Enforcement, Compliance, and Environmental Justice (OECEJ); chief, Enforcement and Compliance Assistance Branch, OECEJ; director, Environmental Assessment and Innovation Division (EAID); associate director, Office of Analytical Services and Quality Assurance; and associate director, Office of Environmental Programs, EAID.

- b. The authorities in 1.a. and 1.g. are delegated to Remedial Project Managers (RPMs) located in the NPL/BRAC Federal Facilities Branch, Site Assessment and Non-NPL Federal Facilities Branch, Eastern PA Remedial Branch, Western PA/MD Remedial Branch, DE, VA, WV Remedial Branch, HSCD; On-Scene Coordinators (OSCs) located in the Eastern Response Branch, Western Response Branch, Oil and Prevention Branch, HSCD; Site Assessment Managers (SAMs) located in the Brownfields and Revitalization Branch, NPL/BRAC Federal Facilities Branch and the Site Assessment and Non-NPL Federal Facilities Branch, HSCD; Civil Investigators and Compliance Officers located in the Oil and Prevention Branch, Cost Recovery Branch, Preparedness and Support Branch, Site Assessment and Non-NPL Federal Facilities Branch, HSCD; inspectors in OECEJ; and staff in EAID who perform CERCLA laboratory inspections or federal facility inspections.
- c. The authority in 1.b. is delegated to the regional counsel.
- d. The authorities in 1.c., 1.d., 1.f. and 1.h. are delegated to the director HSCD; associate director, Office of Preparedness and Response, HSCD; associate director, Office of Superfund Site Remediation, HSCD; associate director, Office of Enforcement, HSCD; associate director, Office of Federal Facility Remediation and Site Assessment, HSCD; chief, Cost Recovery Branch, HSCD; director, LCD; associate director, Office of Toxics and Pesticides, LCD; chief, Underground Storage Tanks Branch, LCD; chief, RCRA Waste Branch, LCD; associate director, Office of Pennsylvania Remediation, LCD; associate director, Office of Remediation, LCD; associate director, Office of Land Enforcement, LCD; chief, Pesticides and Asbestos Programs Branch, LCD; chief, Toxics Programs Branch, LCD; director, OECEJ; chief, Enforcement and Compliance Assistance Branch, OECEJ; director, EAID; associate director, Office of Analytical Services and Quality Assurance; and associate director, Office of Environmental Programs, EAID.
- e. The authority in 1.e. is delegated to the directors of HSCD, LCD, OECEJ, and EAID.

3. LIMITATIONS.

- a. The regional administrator must consult with the regional counsel prior to requesting a warrant, issuing subpoenas, or issuing compliance orders.
- b. The delegates other than regional counsel must consult with the regional counsel prior to exercising the authority in subparagraph 1.b.
- c. The delegates must obtain the concurrence of the regional counsel prior to exercising the authorities in subparagraphs 1.c., 1.d., 1.e. and 1.f.
- d. The delegates must consult with the regional counsel prior to exercising the authority in subparagraph 1.h. in those instances where non-EPA employees or non-EPA contractors are designated as representatives of the regional administrator.
- e. Regional counsel must consult with the assistant administrator for Enforcement and Compliance Assurance or his/her designee prior to giving concurrence for the exercise of the authorities in subparagraphs 1.c., 1.d. and 1.e.

- f. The OECEJ delegates may exercise these authorities only in multi-media cases.
- g. The OECEJ delegates must consult with the HSCD and LCD delegates before exercising these authorities.
- h. The EAID delegates may exercise these authorities only in CERCLA laboratory inspections or federal facility inspections.
- i. The LCD and EAID delegates must consult with the HSCD delegates before exercising these authorities.
- j. Executive Order 12580 requires EPA to obtain the concurrence of the Attorney General before issuing compliance orders, under authorities 1.d. and 1.e., to other Federal agencies. In cases where the delegates recommend issuing a compliance order to another Federal agency or agencies under 1.d. or 1.e., the delegates shall prepare a memorandum from the regional administrator to the assistant administrator for OECA requesting that the Agency initiate concurrence procedures with the Department of Justice.
- k. Regional administrators should consult with the AA for OECA prior to issuing compliance orders regarding information gathering or compliance orders for entry and inspection, or issuing subpoenas, consistent with the most recent version of the "OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart," or successor documents, as appropriate.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. The authority in 1.a., 1.b., 1.c., 1.f., and 1.g. may be redelegated to the staff level.
- c. The authority on 1.d., 1.e., and 1.h. may be redelegated to the branch chief level and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Relegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Sections 104(e), 109(a), 109(b), and 122(e) of the CERCLA.
- b. National Contingency Plan, 40 CFR 300.
- c. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."

- d. EPA Delegation 14-12, "Civil Judicial Enforcement Actions, Including Collection Actions."
6. **SUPERSESSION.** Delegations Manual, CERCLA, Regional Delegation 14-6. Inspections, Sampling, Information Gathering, Subpoenas, and Entry for Response. 1200 TN RIII-164, (September 1, 2005).

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